FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED
HARRISBURG, PA
APR 27 2016
MARIA E. ELKINS, CLERK
Per ____
DEPUTY CLERK

(1) Brandon Holmes 73170-004
(Name of Plaintiff) (Inmate Number)

USP-PO BOX 1000, Lewisburg, PA 17837
(Address)

(2) ____
(Name of Plaintiff) (Inmate Number)

____
(Address)

(Each named party must be numbered, and all names must be printed or typed)

vs.

(1) J. Eck
(2) C. Pizzoli
(3) M. Russo
(Names of Defendants)
(4) B. Mottern, Defendant
(Each named party must be numbered, and all names must be printed or typed)

3:16-cv-644-JMM
(Case Number)

"Amended Complaint"
CIVIL COMPLAINT
(Demand Jury Trial)

TO BE FILED UNDER: ____ **42 U.S.C. § 1983 - STATE OFFICIALS**
✓ **28 U.S.C. § 1331 - FEDERAL OFFICIALS**

I. PREVIOUS LAWSUITS

A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

Brandon Holmes VS Christian Lepe Case No. 1:12-cv-01649-AWI-MJS Pursuant to the terms of a written settlement date December 30, 2014. Complaint filed October 9, 2012

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

A. Is there a prisoner grievance procedure available at your present institution? _✓_ Yes ____ No

B. Have you fully exhausted your available administrative remedies regarding each of your present claims? _✓_ Yes ____ No

C. If your answer to "B" is Yes:

1. What steps did you take? informal complaint, BP-9, BP-10 and A BP-11 to the central office

2. What was the result? On going investigation on all levels

D. If your answer to "B" is No, explain why not: ____________

III. DEFENDANTS

(1) Name of first defendant: J. ECK

Employed as federal officer at USP Lewisburg
Mailing address: 2400 Robert F. Miller Drive, Lewisburg, PA 17837

(2) Name of second defendant: C. Pizzoli

Employed as federal officer at FCC Allenwood
Mailing address: P.O. BOX 3500 - White Deer, PA 17887

(3) Name of third defendant: M. RUSSO

Employed as federal officer at USP Lewisburg
Mailing address: 2400 Robert F. Miller Drive, Lewisburg, PA 17837

See Attachment one Page

(List any additional defendants, their employment, and addresses on extra sheets if necessary)

IV. STATEMENT OF CLAIM

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets if necessary.)

1. Please see three Page Attachment of Civil complaint.

2.

3.

V. RELIEF

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. I would like to be rewarded a total of $ 500,000 (USD) in Compensatory damage's for all injuries and Pain and suffering. And a total of $ 500,000 (USD) in Punitive Damage's

2.

3.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 23 day of April, 2016.

Brandon Holmes
(Signature of Plaintiff)

Civil Complaint

STATEMENT OF FACTS

That, I Brandon Jaquay Holmes, a living breathing man, say and declare by my signature that the following facts are true to the best of my knowledge and belief.

That, on march 10, 2015 at approximately 7:32 a.m. While in the second floor shower stall on J-Block unit at U.S.P. Lewisburg. I was having a conversation with another Prisoner, when officer J. ECK entered the shower and stated Holmes shut the fuck up, your nothing but a coward, and i dont want to hear all your bull shit.

Than, I responded by saying, I may not be the biggest or baddest dude in the world but im damn sure not a coward.

Than, Officer J. ECK stated what are you going to do if i open your shower door and punch you in your face?

Than, I responded by saying that im going to do what any man or woman would do and that's defend my self.

Than, Officer J. ECK stated well we're about to find out, then left out of the shower and came back with officers B. Mottern, M. Russo, and C. Pizzoli opened my shower stall door without me being in hand restraints and used his left hand to strike me around my chest area.

Than, I felt that my life was endanger when the other attackers officers, B.Mattern, M.Russo, and than C.Pizzoli also engaged in the assault by striking me with closed fisted and Baton's to my head and every where else they could inflict Pain upon my body. Therefore i had no choice but to defend my self by using hand to hand combat.

Than, as i defended my self as best i could against this malicious and sadistical assault. medical care Provider F. Alama walked by and visually witness what was taking Place and Pressed his body alarm. At this time i was and so much Pain, and was over Powered and Placed on the shower floor. Where i complied and was than Placed in hand restraint's with blood running from several area's of my body.

Than, other officers arrived on the scene and replaced the first attacker's several mintues went by with me being on the floor with other officer's striking me from time to time with me yelling out asking the officers to stop striking me. After some time i was escorted to the third floor of J-Block and Placed in four Point restraints, where the restraints was Placed on top of my open wounds of my left ankle very tight. Than, nurse fahringer matthew conducted a medical assessment of some of my injuries.

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of civil complaint
3:16-cv-00644

Than, after all the staff and medical employee's left out of the four point restraint cell, mintue's later officers returned back into the four point cell, and removed the left side of my hand restraints, grabbed my left hand and arm and pulled me as hard as they could until my body lifted up off the bed than placed my left hand back into the hand restraints extremelly tighter. Than stated have a nice day boy before walking out leaving me in serious pain.

Than, upon being in four point restraints for over 24 hours "upon request" I was denied the right to eat or use the restroom and had to urinate and lay in my own feces. The only person who gave me any food after 24 hours was Lt. K. Ferguson, which was a hand full of potato tots and a piece of hamburger meat from his hand. Around two hours later i was removed from four point's and place in full body restraint's for over 24 hours as well.

It was later determind upon further investigation and interrugation upon Officer C. Pizzoli who months later changed his story completely and admitted that my shower door was opened by officer J. Eck without me being in hand restraint's and an assault followed.

Date 4. 23. 2016

[signature]
Signature

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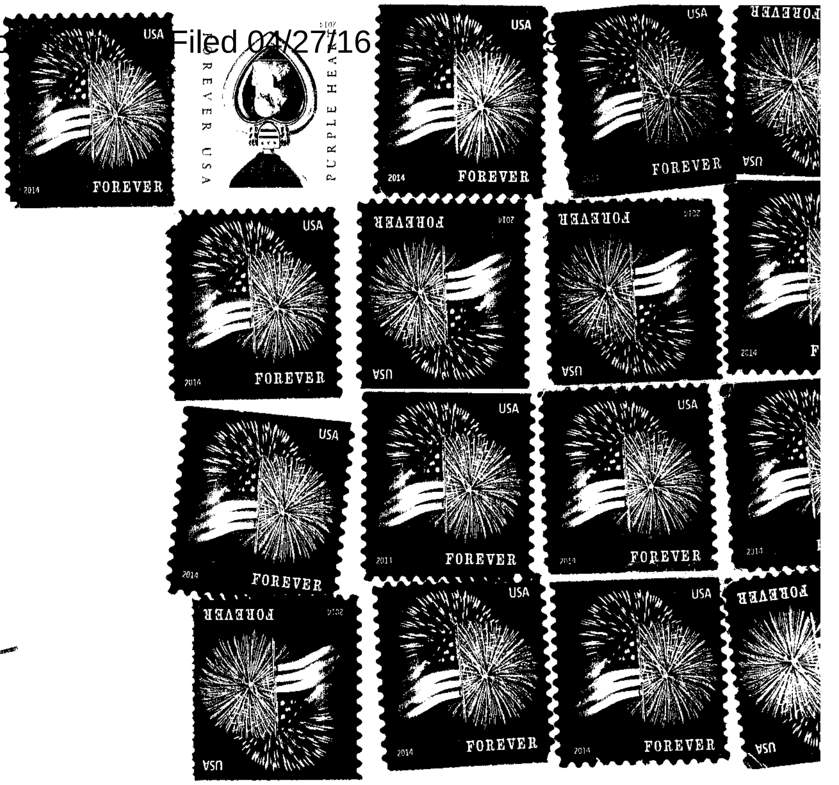
Attachment of additional defendant's employment and addresses

(4) Name of fourth defendant: B. Mottern
Employed as federal officer at U.S.P Lewisburg
Mailing address: 2400 Robert F. Miller Drive, Lewisburg, PA 17837

Inmate Name: Brandon Holmes
Register Number: 73170-004
United States Penitentiary
P.O. Box 1000
Lewisburg, PA 17837

AM
4-24-14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FOREVER
2014
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PURPLE HEART

RECEIVED
HARRISBURG, PA
APR 27 2016
MARIA E. ELKINS, CLERK
Per ______

Office OF THE CLERK
United States District C
United States Courthou
228 Walnut Street
P.O. BOX 983
Harrisburg, PA 17108